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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)
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Filing Date: April 27, 2026)
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_____)

Case No.: PSH-26-0109

Issued: October 9, 2026

Administrative Judge Decision

Matthew Rotman, Administrative Judge:¹

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."² As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should not be restored.

I. BACKGROUND

The Individual applied for access authorization in 2021. *See* Exhibit (Ex.) 12 at 86–138 (2021 Questionnaire for National Security Positions (QNSP)).³ As a result of a background investigation concerning his eligibility for a security clearance, the DOE learned of three separate incidents where the Individual was arrested and charged with crimes. *Id.* at 172 (investigator's interview notes with court records clerk). First, in May 2013, officers arrested and charged the Individual with Simple Battery. *Id.* In July 2013, the Individual was arrested and charged for Child Abuse,

¹ On April 28, 2026, the Director of the Office of Hearings and Appeals (OHA) appointed Administrative Judge Phillip Harmonick as the Administrative Judge in this matter. On June 24, 2026, the case was reassigned to Administrative Judge Andrew Dam. Administrative Judge Dam is no longer with the DOE; therefore, on October 9, 2026, the Director of OHA appointed me as the Administrative Judge in this matter.

² The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as "access authorization" or "security clearance."

³ The DOE submitted Exhibits 1 through 13 as a single PDF, Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by the DOE.

Assault, Criminal Damage to Property, and Evading or Obstructing an Officer. *Id.* at 72–73 (criminal history). In November 2015, the Individual also was arrested and charged with Assault to Household Member. *Id.* at 176 (investigator’s notes after reviewing online court records). The Individual was subsequently granted a security clearance.

On November 24, 2025, the Local Security Office (LSO) learned from the Individual’s employer that the Individual had been arrested. Ex. 5 at 20–24. According to court records, the Individual was arrested on November 23, 2025, and charged with Aggravated Battery Against a Household Member (Strangulation or Suffocation), Interference with Communications, False Imprisonment, Abuse of a Child (Does Not Result in Death or Great Bodily Harm), Battery Upon a Peace Officer, Resisting, Evading or Obstructing an Officer (Arrest), Battery (Household Member), and Disarming a Peace Officer (Removing Firearm or Weapon). Ex. 9 at 55 (court record of case details); Ex. 13 at 221 (criminal complaint). The DOE sent the Individual a Letter of Interrogatory (LOI) to seek clarification and gather information, which the Individual completed and submitted on January 2, 2026. Ex. 8 at 43–53 (January 2026 LOI).

The LSO subsequently issued a Notification Letter advising the Individual that it possessed reliable information creating a substantial doubt regarding his access authorization eligibility. Ex. 1 at 6–8. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline J of the Adjudicative Guidelines. *Id.* at 5. The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2 at 10–12. The Director of OHA appointed Andrew Dam as the Administrative Judge, and Judge Dam conducted an administrative hearing.

The DOE submitted thirteen exhibits (Ex. 1–13). There were no objections to the LSO’s exhibits. Hearing Transcript, OHA Case No. PSH-26-0109 (hereinafter cited as Tr.) at 7. The Individual submitted seven exhibits (Ex. A–G).⁴ The DOE counsel raised an objection to Exhibit C based on privacy concerns, but because the exhibit is not immaterial, irrelevant, or unduly repetitious, Judge Dam overruled the objection. Tr. at 9–14; 10 C.F.R. § 710.26(h) (“The Administrative Judge may also exclude evidence which is incompetent, immaterial, irrelevant, or unduly repetitious.”). The Individual offered the testimony of (1) his cousin (Cousin), (2) his mother (Mother), (3) a former coworker (Former Coworker), and (4) his friend (Friend). Tr. at 3. The Individual also testified on his own behalf. *Id.* at 6. The DOE did not offer the testimony of any witnesses. *Id.*

II. THE SECURITY CONCERNS

Guideline J involves criminal activity “creat[ing] doubt about a person’s judgment, reliability, and trustworthiness.” Adjudicative Guidelines ¶ 30. Criminal activity “calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” *Id.* Conditions that could raise a security concern include “evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether [an]

⁴ The Individual’s exhibits were submitted as separate files labeled with letters. This Decision will refer to the exhibit letter and page number when citing to exhibits submitted by the Individual. Furthermore, Exhibit B was submitted as three separate PDFs, which I will refer to as Exhibit B(1), Exhibit B(2), and Exhibit B(3). Exhibit C is an email with three JPGs attached in the body of the email. I have uploaded that email as a PDF into the administrative record as a single PDF exhibit.

individual was formally charged, prosecuted, or convicted.” *Id.* ¶ 31(b). In citing Guideline J, the LSO cited to the Individual’s arrests and charges in May 2013, July 2013, November 2015, and November 2025. Ex. 1 at 5. Accordingly, there is sufficient derogatory information in the possession of the DOE to raise security concerns under Guidelines J.

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Dep’t of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

An individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). An individual is afforded a full opportunity to present evidence supporting his or her eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. FINDINGS OF FACT

a. The Individual’s Background and His Arrests and Charges in May 2013, July 2013, and November 2015

The Individual met his former girlfriend (Former Girlfriend 1) in approximately 2008 when he was nineteen years old. Ex. 12 at 92 (indicating the Individual’s birth year), 152 (indicating when the Individual met Former Girlfriend 1). They dated and cohabitated from around 2012 to 2021. *Id.* at 153. They have two biological daughters together that were born in 2012 and 2018, respectively. Tr. at 134. In May 2013, the Individual was given a citation for one count of Simple Battery. Ex. 12 at 153, 172. When asked about the incident, the Individual testified that he got into an argument with Former Girlfriend 1’s mother’s boyfriend at the mother’s college graduation party. Tr. at 125. The Individual further testified that the boyfriend “came to [him], telling [him] something, as far as [he] can recall, and [they] started arguing.” *Id.* However, law enforcement records stated that the Individual “became intoxicated and became belligerent because he wanted to drive home intoxicated. When [a third party] refused to leave with him, [the Individual] became hostile and verbally abusive.” Ex. 12 at 172. The Individual testified that he had been drinking that night but that he was not intoxicated. Tr. at 150–51. When being asked at the hearing about what happened, the Individual repeatedly mentioned that he was released after his arrest. *Id.* at 125–26.

The Individual testified that his charge was dismissed, but court records indicate that the disposition of the charge is unknown. *Id.* at 121; *but see* Ex. 12 at 172.⁵

In July 2013, the Individual was arrested and charged with Abuse of a Child, Criminal Damage to Property, Assault, and Evading/Obstructing Officer. *Id.* at 72. The Individual reported that he got into an argument with Former Girlfriend 1 and a male friend that she showed up to their house with, a neighbor called the police, and the Individual tried to run off when the police arrived because they “showed up and did not announce themselves . . .” *Id.* at 144–45. The Abuse of a Child charge was because the Individual was intoxicated at the time, during which he was responsible for the care of his child. *Id.* at 145. The Individual testified at the hearing that he was not intoxicated at the time of the incident, but Former Girlfriend 1 previously reported to an investigator as part of the background investigation of the Individual that the Individual “was drunk and had children at home” at the time and that the Individual “did not let her leave with the kids.” Tr. at 147–48 (Individual’s testimony); *but see* Ex. 12 at 153. The Individual disagreed with the representation that he was drunk at the time because the police officers “didn’t give [him] any kind of blood work or breathalyzer or anything to verify.” Tr. at 148. He testified that the police officers “basically charged [him] with stuff to make sure that [he] went to jail for the night.” *Id.* at 145. The record indicates that the Individual damaged the door and window as he was leaving. Ex. 12 at 145. The Individual testified that he “didn’t damage it while [he] was leaving” but that “[i]t could have been damaged while [he] and [his] friend were arguing.” Tr. at 142–43. The Individual’s charges were dismissed without prejudice on October 10, 2014. Ex. 12 at 174.

Two years later, in November 2015, the Individual was charged with Assault to Household Member. *Id.* at 176. The Individual testified that he did not remember this incident and the only incident he remembered was “the one with the boyfriend.” Tr. at 133–34. He stated that he has no memory of being arrested in 2015 and that it “could have been an argument with a family member, or something like that, but [he] [didn’t] recall ever being arrested in 2015.” *Id.* at 138–39. An investigator’s notes of the court history reflect that the Individual pled not guilty and that the case was dismissed, for reasons not indicated in the record, by the prosecutor on May 5, 2016. Ex. 12 at 176.

b. The Individual’s November 2025 Arrest and Charges

At the hearing, the Individual testified that on November 22, 2025, he and his girlfriend at the time (Former Girlfriend 2) were at home with her two young children. Tr. at 73. In the afternoon, the Individual got into an argument with Former Girlfriend 2 because he was “kind of being accused of talking to other people.” *Id.* To de-escalate the situation, the Individual contacted his twenty-two-year-old Cousin to ask if he could come over to his Cousin’s apartment to hang out for a few hours. *Id.* at 19, 73. The Individual’s Cousin testified that the Individual was at his apartment from

⁵ During an enhanced subject interview (ESI) conducted in April 2021, the Individual reported the events related to the Simple Battery as having occurred in November 2015, rather than May 2013. Ex. 12 at 145. However, at the hearing, the Individual testified that the events took place in May 2013. Tr. at 124. Law enforcement records indicated that the events took place on May 12, 2013. Ex. 12 at 172. Accordingly, it appears that during the ESI, the Individual had conflated the events related to the Simple Battery with his subsequent arrest for Assault to Household Member in November 2015, which led to the events being incorrectly attributed to the November 2015 arrest on the SSC instead of the May 2013 arrest. *See* Ex. 1 at 5 (alleging that the November 2015 arrest occurred “after he got into an argument at a hotel with ex-girlfriend’s family member . . .”).

5:00 p.m. until around 7:30 p.m. *Id.* at 20, 24. The Cousin testified that the Individual told him on that day that Former Girlfriend 2 was “causing a lot of problems for him, blaming him a lot for his actions . . . they were arguing about . . . what he was doing.” *Id.* at 21. The Cousin also testified that Former Girlfriend 2 was texting and calling the Individual while he was at the Cousin’s apartment, saying that the Individual left her trapped at home because her vehicle was broken and he took his vehicle to go to the Cousin’s apartment. *Id.* at 24–25, 73–74. When the Individual returned home, he played video games on his computer with his Friend who was playing virtually from approximately 9:00 p.m. until around 3:30 a.m. the next morning. *Id.* at 74. When he finished playing video games, he went into the living room to talk to Former Girlfriend 2, they started arguing, and he told her that he was “not going to do this again” and that he was “just gonna leave again.” *Id.* The Individual stated that Former Girlfriend 2 told him that, if he left, he would be sorry. *Id.* at 75. The Individual called his Cousin again around 4:00 a.m. to ask if he could come back to his apartment, but then the Cousin never heard back from the Individual after that phone call. *Id.* at 20 (Cousin’s testimony), 25 (Cousin’s testimony), 75 (Individual’s testimony).

On November 23, 2025, around 5:30 a.m., a police officer was dispatched to the Individual’s home in reference to a 911 hang up call with “screaming on the phone shortly before the phone hung up.” Ex. 13 at 223. According to the Individual, he started to leave the house, but it was raining so he went back inside and by the time he came back out, the police officers were already at the gate to his house. Tr. at 75. According to a police officer’s report, Former Girlfriend 2 and the Individual got into an argument about each other talking to other people and Former Girlfriend 2 told the officer that the Individual strangled her with his hands, smashed the back of her head into a glass cabinet in the kitchen, slapped her face, stabbed her in the arm with an injection needle, pulled out her nose ring, and pulled her hair. Ex. 13 at 223. The police officer also reported that Former Girlfriend 2 told him that the Individual hung up the phone while she was calling 911 and was not letting her leave the residence, and that her two young children were in the room when the incident occurred. *Id.*

The Individual stated that another police officer arrived at the Individual’s residence and let the Individual call his mother to come pick him up. Ex. 8 at 46 (January 2026 LOI); Tr. at 75. The Individual told his Mother that as soon as she got to his house, the police officers would let him go. Tr. at 32–33. At the hearing, the Individual’s Mother testified that the Individual called her “between 4:30 and 5:30 in the morning because his girlfriend at the time was screaming at him and he wanted to get out, and the cops were there.” Tr. at 32. While he was waiting for his Mother to arrive, the Individual was in the living room speaking with one of the police officers who then asked to see the Individual’s ID. *Id.* at 75. The Individual asked the police officer if he was being arrested, to which the police officer responded “no” and asked the Individual again to see his ID. *Id.* at 76. The Individual admitted that he “refused to give [his] ID to the officers . . . three times” which resulted in two police officers using physical force to pull the Individual off his couch. Ex. 8 at 46. The Individual admitted at the hearing that his refusal was “a big mistake” and that he “probably could have avoided a lot of the issues that happened.” Tr. at 76. Next, the Individual stated that he “would not let [the officers] take [him] to the ground so they deployed a taser to [his] lower back and then lifted [him] up and slammed [him] on the ground.” Ex. 8 at 46; Tr. at 76 (“I was resisting them, but I wasn’t physically fighting back to them, just not letting them take me to the ground.”). The Individual testified that “out of reaction from the pain [of the taser], [he] reached down and [he] pushed the taser off [his] leg.” Tr. at 76. The Individual was transported to jail and

held until the next day, November 24, 2025. Ex. 8 at 47.

The Mother testified that when she arrived at the Individual's house, the Individual was already in the officers' car. Tr. at 33. She testified that she went into the home and Former Girlfriend 2 was "crying, and she had her baby, and the baby was crying." *Id.* The Mother also testified that the Individual's glass entertainment center in the living room was broken. *Id.* at 43. The Mother stated that one of the police officers told her that Former Girlfriend 2 did not want to go to the hospital, but they needed her to go to the hospital. *Id.* at 34. The Mother agreed to take Former Girlfriend 2 to the hospital even though she said Former Girlfriend 2 was insisting that she was fine and did not want to be taken to the hospital. *Id.* The Mother testified that the medical staff at the hospital told her that Former Girlfriend 2 was evaluated and nothing was wrong, but the Mother acknowledged not being in the room during the evaluation. *Id.* at 35, 45. The Mother testified that she observed that Former Girlfriend 2's nose ring had been taken out of her nose, but did not indicate that she observed any injury to Former Girlfriend 2's nose. *Id.* at 45. The Individual submitted three photos of Former Girlfriend 2 asleep on a hospital bed with a blanket covering most of her body. Ex. C at 1–3. The photos do not indicate any physical injuries to the visible areas of Former Girlfriend 2's body, which are the arms, nose, neck, and face. *Id.* The photos are inconclusive regarding the existence of physical injuries to any other part of Former Girlfriend 2's body. *Id.* The Mother testified that she took the photos, that Former Girlfriend 2 did not know that the photos were taken, and that Former Girlfriend 2 had not consented to having her photo taken. Tr. at 57–58. The Mother further testified that Former Girlfriend 2 was asleep in the photos because "she had gotten an anxiety attack." *Id.* at 58.

The Individual denies all Former Girlfriend 2's claims, stating that she must have confused her ex-boyfriend with the Individual because "that's what her ex-boyfriend did to her, as far as strangling her and all that other stuff, which is why they separated." *Id.* at 98. He said she has a history of lying. *Id.* When asked to elaborate on Former Girlfriend 2's history of lying, the Individual responded that when the two of them started dating, she told him she was single but she was still living with her ex-boyfriend, that she has a history of self-harm, and that she has a mental health diagnosis. *Id.* at 99. The Individual explained that "[t]here was a big age difference between [them] too, on maturity and stuff." *Id.* at 99, 118 ("She's 22, trying to figure it out, versus, I'm 36, already kind of established."). Further, the Individual testified that there were no glass cabinets broken in his home. *Id.* at 99. The Individual confirmed that his entertainment center had glass as his Mother had testified to, but the Individual contended that the entertainment center could not have been what Former Girlfriend 2 was referring to because it was in the living room. *Id.* at 99–100.

The Individual was charged with Aggravated Battery Against a Household Member (Strangulation or Suffocation), Interference with Communications, False Imprisonment, Abuse of a Child (Does Not Result in Death or Great Bodily Harm), Battery Upon a Peace Officer, Resisting, Evading or Obstructing an Officer (Arrest), Battery (Household Member), and Disarming a Peace Officer (Removing Firearm or Weapon). Ex. 9 at 55 (court record of case details); Ex. 13 at 221 (criminal complaint). The Individual submitted documentation of an affidavit signed by Former Girlfriend 2 on December 19, 2025, stating that she did not wish to proceed with or assist in the Individual's prosecution. Ex. D at 1 (Affidavit of Non-Prosecution). On January 13, 2026, the Individual's charges were dismissed, notably without prejudice. Ex. F at 1. The Individual acknowledged during the hearing that the Affidavit of Non-Prosecution only states that Former Girlfriend 2 does

not want to testify or proceed with pressing any charges and not that the events did not occur. Tr. at 115. The Individual has not had contact with Former Girlfriend 2 since the underlying incident, except for one instance in which the two of them ran into each other at work because Former Girlfriend 2 works at the same location in a different area. *Id.* at 90–91.

The Individual’s Former Coworker testified that she has known the Individual for approximately thirteen to fourteen years and she sees the Individual in person several times a month. *Id.* at 63–64. The Individual did not tell her any details about the November 2025 arrest beyond “they got in a disagreement and she called the police.” *Id.* at 66. The Individual’s Friend that he played computer video games with virtually on the evening of November 22, 2025, into the morning of November 23, 2025, also testified. *Id.* at 159. The Friend testified that he has known the Individual for “around fourteen years” but his communication with the Individual for the last three years has been limited to phone or video games because the Friend lives in another state. *Id.* When asked what he knew about what happened prior to the November 2025 arrest, the Friend testified that the Individual called him after he was released from jail to “let [him] know that some stuff happened over the night and he ended up going to jail” and that his understanding was “that a female was involved.” *Id.* at 160–61. The Friend testified that while the two of them were still playing, the Individual told him that he was going to leave to go to his cousin’s because he was stressed out, but the Individual did not state why and the Friend didn’t ask. *Id.* at 164–65.

The Individual’s Mother testified at the hearing that, prior to the 2025 arrest, the Individual had not been arrested or charged with anything since 2013 when he was “fighting with his ex-girlfriend” and that from 2013 to 2026, the Individual had “changed big time” *Id.* at 47, 50. As an example, the Individual’s Mother provided that the Individual stopped hanging out with his friends and “gave up everything to be with his family.” *Id.* at 51. The Individual testified that he was “super young” in 2013 and that he “made some stupid decisions and [he] really regret[s] what [he] did.” *Id.* at 154. The Individual stated that, regarding the 2025 incident, he could not give an “exact excuse . . . other than [Former Girlfriend 2] was around the age when [he] was making stupid mistakes the first time and it kind of escalated from there.” *Id.* at 155. He further stated that he has separated himself from “bad influences” and that, as he’s grown, he learned to “just face [similar situations] right off the bat, like there’s no sense in running and making the situation worse than it has to be.” *Id.*

V. ANALYSIS

Based on the record before me, the Individual has not mitigated the LSO’s security concerns.

Conditions that could mitigate security concerns under Guideline J include:

- (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment;
- (b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person’s life;

- (c) no reliable evidence to support that the individual committed the offense; and
- (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines ¶ 32.

Regarding mitigating condition (b), the Individual has not put forth evidence indicating that he experienced coercion or pressure to commit any criminal behavior. Mitigating condition (b) does not apply.

The same reasoning applies as to mitigating condition (d), which requires evidence of rehabilitation. The Individual contests that he engaged in criminal activity and put forth no evidence regarding rehabilitation, other than the general testimony that he has “changed” since the time of the 2013 incidents. Mitigating condition (d) does not apply.

Regarding mitigating condition (a), the most recent arrest occurred in November 2025, less than one year before the hearing date. The Individual did not put forth evidence of unusual circumstances under which his criminal behavior occurred. In fact, before the November 2025 arrest, the Individual had three prior incidents with similar circumstances. As such, I cannot find that so much time has passed or that the criminal behavior happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the Individual’s reliability, trustworthiness, or good judgment. For these reasons, mitigating condition (a) does not apply.

The Individual based much of his argument on mitigating condition (c), contesting the reliability of the evidence used to bring forth the charges. The Individual did not accept responsibility for any of his arrests or charges. Instead, he stated that the arrests and charges were based on inaccurate information provided by the police officers that responded to the scene and the individuals who were present when the events took place. The Individual did not dispute that in May 2013 he got into an argument with Former Girlfriend 1’s mother’s boyfriend that clearly escalated to the level of someone calling the police. However, the Individual justified his actions by claiming that the charge was dismissed. Even supposing the charge was dismissed, which is unknown based on the record, a dismissal in itself is not evidence that the underlying act did not take place. Regarding the July 2013 charges of Abuse of a Child, Criminal Damage to Property, Assault, and Evading/Obstructing Officer, the Individual claims that he was not intoxicated and that his intoxication could not be proven because there was no laboratory testing. He stated that the police just arrested him so that he would be taken to jail for the night. However, he could not provide any credible explanation as to why Former Girlfriend 1 would have lied about his intoxication or why he would have been charged with an offense which he claimed was based on alcohol consumption if not for him actually having consumed alcohol. While there are factual disputes regarding his intoxication level that night and what the argument was about, the Individual does not dispute that he got into an argument with Former Girlfriend 1’s male friend that led to him leaving the house. When asked about his November 2015 arrest and charge for Assault to Household Member, the Individual did not even know what that was. I find it troubling that the Individual could not

remember any information about an incident in which he not only got arrested but pled not guilty to in court. His lack of memory of this incident most certainly undermines his stated recollection regarding the other criminal incidents. Lastly, regarding the November 2025 arrest, the Individual admitted that he resisted the police officers when he was asked repeatedly for his ID. He took no responsibility for his role in the argument with Former Girlfriend 2. The Individual denied all Former Girlfriend 2's allegations and placed blame on her for being immature and having a mental health diagnosis. Again, he attributed his innocence to the fact that the criminal charges against him were dismissed. Whether or not there was sufficient evidence to prosecute the Individual for criminal charges does not absolve him of accountability for his actions. Nothing in the record supports the Individual's claims that Former Girlfriend 1, Former Girlfriend 2, or any of the responding police officers from all four arrests were unreliable. Perhaps most importantly, the Individual admitted to committing several actions underlying the offenses—regardless of whether the actions, independently, constituted criminal offenses.

I do not credit the Mother's testimony that Former Girlfriend 2 was completely fine after the November 2025 incident and the subsequent visit to the hospital. The Mother was not there when the incident took place in the Individual's home and was not in the room at the hospital while doctors evaluated Former Girlfriend 2. Further, the fact that the Mother had to photograph Former Girlfriend 2 without her permission or knowledge while she was in a state of incapacitation undermines the Mother's testimony that Former Girlfriend 2 insisted she was fine. In addition, the Mother testified that Former Girlfriend 2 was asleep in the photos due to an anxiety attack, which is inconsistent with the Mother's claims that Former Girlfriend 2 was fine. As to the context of the photos, they do appear to demonstrate that there were no visible physical injuries to Former Girlfriend 2's arms, nose, neck, and face. While this does not rule out the possibility that Former Girlfriend 2 suffered injuries that were not visible, or that she suffered an injury to a part of her body that was under a blanket in the photos, the photographic evidence provides support for the Individual's account of events. However, there are other facts that support the conclusion that the Individual engaged in some form of violence in connection with the November 2025 incident. First, the fact that the Mother admitted to observing broken glass from a piece of furniture is strong evidence that the glass was broken during a violent encounter regardless of whether it was with either Former Girlfriend 2 or the police officers. The Individual's trivial arguments that Girlfriend 2's claim was false because the glass was from an "entertainment center" rather than a "cabinet" suggests an effort to avoid acknowledging that his actions were consistent with her claims. The Individual admitted during the hearing that he refused to cooperate with the police officers' request for his ID three times, which then escalated to their use of physical force on the Individual. The Individual also admitted that his refusal to provide his ID was a big mistake that led to issues that could have been avoided, such as his physical altercation with the officers. Lastly, the Individual admitted that he would not let the officers take him to the ground, which is why they deployed a taser that the Individual tried to push off of his leg. Also, as noted above, this is not the first occasion on which the Individual interacted with law enforcement as a result of his allegedly abusive behavior. The Individual has been accused of abusive behavior by three separate individuals: Former Girlfriend 1, Former Girlfriend 1's mother's boyfriend, and Former Girlfriend 2. Taking all of the foregoing together, I find it much more likely that the Individual behaved aggressively and that he and Girlfriend 2 had a violent physical encounter, even if it did not occur exactly as she alleged, than that the Individual's account is true and Girlfriend 2's claims were entirely fabricated. Thus, I find that Girlfriend 2's allegations and the Individual's own testimony

about his interactions with the police officers provide some reliable evidence of the Individual having engaged in criminal conduct. Accordingly, mitigating condition (c) does not apply.

In light of the foregoing, the Individual has failed to resolve the Guideline J concerns asserted by the LSO.

VI. CONCLUSION

In the above analysis, I found that the DOE possessed sufficient derogatory information to raise security concerns under Guideline J of the Adjudicative Guidelines. After considering all the relevant information, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns set forth under Guideline J. Accordingly, I find the Individual has not demonstrated that restoring his security clearance would not endanger the common defense and would be clearly consistent with the national interest. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Matthew Rotman
Administrative Judge
Office of Hearings and Appeals